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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP 150

Applicant: Rueger et al.

Examiner: N. Nutter

Serial No.: 422,699

Group Art Unit: 153

Filed: October 17, 1989

Attorney Docket: CRP-001-CP3

Title: OSTEOGENIC PROTEIN

Honorable Commissioner of Patents and Trademarks
Washington, DC 20231

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Jan 17, 1990
Date of Signature
and of Mail Deposit

By Edmund R. Pitcher
Edmund R. Pitcher
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RESPONSE TO REQUIREMENT FOR
RESTRICTION AND ELECTION OF SPECIES

Dear Sir:

Responsive to Paper No. 2 mailed 12/19/89, Applicants hereby provisionally elect the invention of claim 1, including claims 1-19 and 21. Responsive to the Requirement for Election of Species, Applicants hereby provisionally elects Species 1, designated "OPS", set forth in claim 1. A protein comprising species OPS would necessarily fall within the limitations of claims 2, 3, 4 and 10-19. A protein comprising OPS may or may not fall within the limitations of claims 5-9 and 21, depending on various details of its construction.


As far as Applicants are aware, the subject matter of the elected claims has never been disclosed or suggested, inherently or explicitly, anywhere, other than in Applicants' copending parent applications.

An Information Disclosure Statement has not as yet been filed in this application. That is because Applicants are awaiting receipt of a supplemental PCT Search Report being conducted by the European Patent Office. The Examiner in charge of this case also is in charge of its parent applications, in which the information known to Applicants considered possibly pertinent to examination of this application has been cited shortly after it comes to Applicants' attention. An IDS disclosing all art known to applicants possibly pertinent to this application will be submitted in due course.

Enclosed is a corrected drawing.

Respectfully submitted,

LAHIVE & COCKFIELD


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Date: 1/17/90